

Realities and Consequences of the Territorial Autonomy based on Ethnic Criteria: The Case of Gagauzia, the Republic of Moldova

Cornea, Sergiu; Cornea, Valentina

Veröffentlichungsversion / Published Version
Sammelwerksbeitrag / collection article

Empfohlene Zitierung / Suggested Citation:

Cornea, S., & Cornea, V. (2014). Realities and Consequences of the Territorial Autonomy based on Ethnic Criteria: The Case of Gagauzia, the Republic of Moldova. In *Studii și cercetări din domeniul științelor socio-umane* (pp. 34-49). Cluj-Napoca <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-67956-4>

Nutzungsbedingungen:

Dieser Text wird unter einer CC BY Lizenz (Namensnennung) zur Verfügung gestellt. Nähere Auskünfte zu den CC-Lizenzen finden Sie hier:
<https://creativecommons.org/licenses/by/4.0/deed.de>

Terms of use:

This document is made available under a CC BY Licence (Attribution). For more Information see:
<https://creativecommons.org/licenses/by/4.0>

**ACADEMIA ROMÂNĂ – FILIALA CLUJ-NAPOCA
INSTITUTUL DE ISTORIE „GEORGE BARÎȚIU”
DEPARTAMENTUL DE CERCETĂRI
SOCIO-UMANE**

STUDII ȘI CERCETĂRI

din domeniul științelor socio-umane

Volumul 27

**LIMES & ARGONAUT
Cluj-Napoca
2014**

REALITIES AND CONSEQUENCES OF THE TERRITORIAL AUTONOMY BASED ON ETHNIC CRITERIA: THE CASE OF GAGAUZIA, THE REPUBLIC OF MOLDOVA

Sergiu Cornea, Valentina Cornea

„The autonomous territorial unit with special legal status” Gagauzia was created in 1995 as “a form of the Gagauzia people’s external self-determination”. By giving to ATU Gagauzia a special legal regime, the Moldovan legislature demonstrated a preferential interpretation of the concept of local autonomy. A local territorial collectivity of the II level acquired, on the basis of ethnicity, a high degree of autonomy compared to similar local territorial collectivities. The following consequences of ATU Gagauzia creation are outlined: the establishment of the privileged conditions of development for a local territorial collectivity on the basis of ethnical principle; fostering the collective rights for ethnic minorities; the territorial fragmentation of the administrative territorial units; the discrimination and marginalization of Moldovans from localities of Gagauzia; awarding expanded powers to the Assembly of Gagauzia comparative to the district Councils; the influence of the external factors on the processes from Gagauzia; fostering the isolationist and separatist tendencies. The European option of Moldova requires the shift of emphasis to the local initiative and strengthening the regional centers, being necessary a rethinking of the existing administrative-territorial structure. It is clear that current territorial fragmentation does not contribute to the local economic development and it does not favor to the formation of the cooperative relationships between central authorities and local ones. Therefore, the need of territorial administrative delimitation reform is obvious. Moldova should avoid the award of special autonomies based on the ethnic principles or

under the pro-imperial pressure. The reform should be carried out in the spirit of the principles of the European Charter of Local Self-Government.

Key words: *local self-government, territorial collectivities, territorial autonomy, separatism*

Gagauzia, “the autonomous territorial unit with special legal status” represents a form of the Gagauzia people’s external self-determination according to the Moldovan lawmaker, formulated in Article 1 of the Law on the Special Legal Status of Gagauzia (Gagauz yeri) nr. 344 - XII of 23.12.1994.

Gagauzia has an area of 1848 km², which is 5.5% of the total territory of Moldova¹. The autonomous territorial unit with special legal status comprises 32 localities administratively separated into three districts (territorial-administrative units of IInd level) of Republic of Moldova: Comrat, Vulcănești and Ceadâr-Lunga.

The general rule of inclusion the localities into Gagauzia was that the number of the Gagauz from locality to be over 50% of the population. But the Law # 344-XII of 23.12.1994 provides that the localities where the Gagauzians make less than 50 percent of population can be included in Gagauzia on the basis of free will of the majority voters expressed through a local referendum, held under the initiative of at least one third of voters in the corresponding locality. (Article 5, point 2). Thus, due to this legislative trick the cities were included in Gagauzia where the Gagauz’s number is less than 50%. This is the case of the following localities: Chirsova – 45.5%, Svetlii – 35.4%, Ferapontievca – 27.9%, Russian Chioselia – 25.1% of Gagauzians.²

According to the number of population, on January 1, 2013, Gagauzia with its 161 700 inhabitants is comparable to some districts, even after the anti-reform from 2003: Orhei – 125.600, Cahul – 124.900, Hâncești – 121.200, Ungheni – 117.300 inhabitants.³

¹ <http://www.gagauzia.md/pageview.php?l=ro&idc=400&id=222>

² <http://www.statistica.md/pageview.php?l=ro&idc=295&id=2234>

³ <http://statbank.statistica.md/pxweb/Dialog/view.asp?ma=POP0103&ti=Populatie>

The administrative center of Gagauzia was established in Comrat municipality. It should be mentioned that the predominant factor in awarding the status of municipality to Comrat was the political one. In 2001, under the art. 8 of Law No. 764-XV, the number of municipalities was decreased threefold (from 15-5), the municipality status being maintained for Chisinau, Balti, Bender, Tiraspol and Comrat. The cities as Cahul with 40.700 inhabitants, Ungheni with 38.000, Soroca with 37.200, Orhei with 33.300 were deprived of the status of municipality.⁴ According to the cited law, the municipality is an urban locality with an important role in the economic, social, cultural, scientific, political and administrative life of the country, with significant industrial and commercial structures and institutions from the field of education, health and culture. If we compare these cities with the Comrat municipality-the city with a population of only 25.000 of inhabitants,⁵ we conclude that the number of population or their role in economic, social-cultural, scientific, political and administrative life of the country were not determining factors in awarding the status of the municipality for them. It is easy to note that the predominant factor in awarding the status of municipality to Comrat was the political one, or rather, the quality of the administrative center of Gagauzia.

The events analysis which culminated in the creation of ethnic autonomy shows the obvious involvement of the external factor⁶. The communist leaders of the USSR (M. Gorbaciov, A. Lukianov, D. Iazov, D. Kriucikov, B. Pugo) supported the formation on the Moldovan territory of the so-called “Gagauz and Transnistrian Republics”⁷. In ’80-90 years, the leaders from Comrat coordinated their activities in creating the Gagauz autonomy with leaders from Tiraspol, massively supported by the powerful political forces from Russia⁸.

⁴ *Ibidem*.

⁵ According to the 2004 Moldovan Census Data. (<http://www.statistica.md/-pageview.php?l=ro&idc=263&id=2208>).

⁶ Ana Pascaru, *Problema depășirii stării de conflict în relațiile interetnice*, în: „Sociologie românească”, Serie nouă, Anul IV, 1993, nr. 2, p. 212.

⁷ A Moraru, *Dușmanii independenței*. [http://www.timpul.md/articol/\(analiza\)-dusmanii-independentei-47600.html](http://www.timpul.md/articol/(analiza)-dusmanii-independentei-47600.html), 2013.

⁸ F. Angheli, *Gagauzkaia avtonomia. Liudi i fakti* (1989-2005), Kisinev, 2005.

The experience in the global division of the territory into administrative units shows the opportunity of using a complex set of criteria: economic criterion, demographic criterion, geographical criterion, historical criterion, ethnic criterion, etc. In addition to these criteria, the administrative organization of the territory can use other criteria, such as: taking into consideration the public opinion; combining national and local interests, using the experience of other countries and others. The creation of autonomous territorial unit with special legal status, Gagauzia is often justified by invoking the ethnic criterion, which is not ignored, nor recommended by experts as a criterion of high priority. As Professor Oct. Groza states “above all it must be considered the real effectiveness and not a symbolic one of administrative division⁹, even if the political and emotional context imposes certain “acts of diplomacy”¹⁰, specifically determined by the sensitivities of ethnic criterion.

The case of Gagauzia from Republic of Moldova shows some of the consequences of such “act of diplomacy”, namely the recognition of collective rights through preferential interpretation of the local self-government concept, the territorial fragmentation, the Moldovans marginalization, the creation of unequal conditions of local collectivities development, the unequal position of the local elected officials, the promotion of separatism.

Individual rights vs collective rights.

To respect national minority rights was one of the arguments of ATU Gagauzia creation. It is necessary to mention that the constitutional provisions of Republic of Moldova concerning human rights and freedoms are interpreted and applied in accordance with international treaties to which Moldova is a party. Thus, the international norms of human rights have priority over internal ones (Article 4)¹¹.

⁹ Oct. Groza, *Polarizare teritorială și organizare administrativă în România*, în: *Seminarul geografic „D.Cantemir”*, 2002, nr.21-21, p, 348.

¹⁰ *Ibidem*.

¹¹ The decision of the Constitutional Court on *the interpretation of certain provisions of article 4 of the Constitution of the Republic of Moldova* (no. 55 of 14 October 1999) held that: 1.“Article 4 of the Constitution guarantees not only the human rights and fundamental freedoms, recognized by the Constitution, but also the unanimously recognized principles and norms of the international law; 2. Unanimously recognized principles and norms of the international law are of general

It is well known that Europe promotes the idea of coexistence and good understanding between various ethnic groups within existing territorial entities and openness to communication and cooperation. However, none of the relevant documents that currently exist at European level regarding the protection of national minorities' rights¹² mention or support the collective dimension of persons' rights belonging to national minorities.

The only document as recommendation at European level, which talks about the possibility of granting territorial autonomy for national minorities is Recommendation 1201 of the Parliamentary Assembly of the Council of Europe on the rights of minorities, adopted on February 1, 1993.

The concept of autonomy with regard to minorities appears explicitly in this document (art.11) and it sounds as "In the regions where they are in a majority the persons belonging to a national minority shall have the right to have at their disposal appropriate local or autonomous authorities or to have a special status, matching the specific historical and territorial situation and in accordance with the domestic legislation of the state".

Today, in Europe, there is a wide range of documents and mechanisms for the protection of human rights concerning persons belonging to national minorities, focusing on individual dimension of respecting human rights. To give some forms of territorial autonomy based on ethnic criteria may not be accepted as a European standard, unanimously recognized.

The preferential interpretation of the local self-government concept

By giving to ATU Gagauzia a special legal regime, the Moldovan legislature demonstrated a preferential interpretation of the local

and universal character. In the stipulation «other treaties to which the Republic of Moldova is part», comprised in the article 4, paragraph (1), of the Constitution, are to be understood the international treaties the Republic of Moldova ratified, including the international treaties, the Republic of Moldova adhered to, which are executory for the Republic of Moldova; 3. Unanimously recognized principles and norms of international law, the ratified international treaties and those that the Republic of Moldova adhered to are a component part of the legal framework of the Republic of Moldova and become norms of its internal law.", in: „Official Gazette”, of the Republic of Moldova, no. 118-119 of 28.10.1999.

¹² We have in mind *the Framework Convention for the Protection of National Minorities* and *the European Charter for Regional or Minority Languages*.

autonomy concept. It was insured by the ethnic criteria to a local territorial collectivity of IInd level a high degree of autonomy compared to the similar local territorial collectivities. In this context we mention that the local self-government is a general principle of the administrative, democratic policy, the application of which can not be conditional on ethnic or other kind of criteria. The local self-government serves to all citizens, provides more resources and increases the initiative of local administration in order to improve living standards.

According to the constitutional provisions, the autonomy concerns both the organization and functioning of local public administration and the management of collectivities which the autonomy stands for. (Article 109, paragraph 2). Thus we note the right to participate in the administration of public affairs either directly or through their representatives is one of the fundamental rights of the citizens of the Republic of Moldova.

The local self-government fully operates only when the effective mechanisms of its protection are well established. Regarding the legal protection of local self-government, the European Charter of Local Self-Government stipulates that “local authorities shall have the right of recourse to a judicial remedy in order to secure free exercise of their powers and respect for such principles of local self-government as are enshrined in the constitution or domestic legislation”, by a judicial recourse is perceived the access of local collectivities to a court duly constituted.

In Moldova, for local authorities, there is no opportunity to address directly to the Constitutional Court if it considers that certain acts issued by the competent authorities contravene the principles stipulated by Constitution. Local authorities can apply only indirectly to the Constitutional Court: a) by means of subjects entitled by Article 25 of the Law on the Constitutional Court and Article 38 of the Code of the Constitutional Jurisdiction, b) by invoking the exception of unconstitutionality examined by the Court of concrete reasons.¹³

¹³ L. Bantuș, *Protecția juridică a autonomiei locale - mecanism inerent în asigurarea respectării drepturilor și libertăților fundamentale ale omului*, în: *Locul și rolul organelor administrației publice în asigurarea respectării drepturilor și libertăților fundamentale ale omului*. Materiale ale conferinței științifice internaționale din 11 decembrie 2003, Chișinău, 2004, p. 188.

Instead, the Gagauz (Gagauz-Yeri) Popular Assembly, in accordance with art. 25, letter J of Law 317-XIII on Constitutional Court from 13.12.94, has the right to notify the Constitutional Court on the constitutionality of laws, regulations, decisions, the Presidential decrees, Government provisions, as well as the international treaties to which Moldova is a party that limit the power of Gagauzia.

In order to remove the existing inequalities, the other representative authorities of local level II should also notify the Constitutional Court if the rights are violated and are not comply with the constitutional guarantees of local self-government.

Unequal conditions of local collectivities development.

This result is generated especially by the Gagauz Popular Assembly competence to adopt “local laws”. According to the provisions of Article 11, paragraph 1 of the Law on the Special Legal Status of Gagauzia (Gagauz-Yeri) No. 344-XII from 23.12.1994, the Popular Assembly has the competence to pass "local laws" in the following areas: a) science, culture, education; b) housing and utilities, urban development; c) health, physical culture and sports; d) local financial, budgetary, and tax activities; e) economy and environment; f) labour relations and social welfare.

The competence of the Gagauz Popular Assembly to pass “local laws” is in contradiction to Constitution, which provides in art. 60 (1) that “Parliament is the supreme representative body of the people and the sole legislative authority of the State in the Republic of Moldova.” According to the constitutional text, only the Parliament has the right to pass laws. We mention that under the Constitution there is no concept of “local law” in the Republic of Moldova. The constitutional text expressly states that the laws can be of three types: constitutional, organic and ordinary. Moreover, the areas where the Gagauz Popular Assembly is empowered to pass “local laws” are regulated by organic laws. The competence of the Gagauz Popular Assembly to pass “local laws” can not be included even in the institution of Legal delegation, provided in Article 106 of the Constitution of Republic of Moldova. The institution of Legal delegation is applicable only to central authorities.

Also, the situation from the Article. 13, p.4 of the Law nr. 344-XIII is unexplained where the People's Assembly's laws and decisions shall be submitted to the Parliament and Government of the Republic of Moldova for their information within 10-day period since the date of its

passing. This is while the territorial office Comrat, headquartered in Comrat town, and has Gagauzia as its sphere of action¹⁴, according to Art. 8 letter G of the Regulation on the organization and functioning of the territorial offices of the State Chancellery (approved by Government Decision of Republic of Moldova No. 845 of 18.12.2009) is empowered to carry out mandatory control, over the legality of normative acts issued by the Popular Assembly, the Governor and the Executive Board of the Autonomous Territorial Unit of Gagauzia.

In this context, it is necessary to note that the local self-government is governed by the principle of rule of law, the principle of local self-government being itself one of them. From this principle it follows that there must be an organic link between local self-government and the law, between local interests and national interests expressed by law. A. Iorgovan considered that this fact explains why in all democratic countries, the administrative unit with the highest degree of extension is a representative of the state, namely of the central executive having the role to ensure the law enforcement by local authorities, including autonomous communities¹⁵.

The Gagauz Popular Assembly has also been assigned the legislative powers in respect of administrative organization of the Gagauzian territory. Article 12, paragraph 3, letter A states that the Gagauz Popular Assembly holds the power to solve under the law problems of territorial organization of Gagauzia, establishments and reclassifications of localities, borders of districts, towns and villages, and their names.

These provisions are in flagrant contradiction with the constitutional and legal provisions on the administrative organization of the country. According to the constitutional provisions (Article 66, letter “D” and art. 72, paragraph 3, letter “F”) the organization of local self-government, of the national territory and the general functioning of local self-government is one of the basic powers of the Parliament, regulated by the organic law. Developing the constitutional provisions, the Law on administrative-territorial organization of the Republic of Moldova No. 764-XV of 27.12.2001 stipulates the formation, abolition and change of

¹⁴ The Decision of Moldovan Government on Territorial Offices of the State Chancellery no. 845 from 18.12.2009, Appendix III.

¹⁵ A. Iorgovan, *Tratat de drept administrativ*, ed. a IV-a rev., vol. I, București, Edit. ALL Beck, 2005, p. 466.

the territorial-administrative unit status are performed by Parliament after consulting the citizens. We infer that only Parliament, as a legal body, has the power to pass acts on the organization of local public administration. (Article 18). According to the provisions of “Regulations on how to resolve the issues of administrative-territorial organization of the Republic of Moldova”, approved by the Law of 20.02.96, Parliament has the following competences:

a) Formation and abolition of the autonomous territorial unit with special legal status and districts, splitting out and joining districts, establishment and transferring their administrative centre;

b) Formation, splitting out, joining and abolition of communes and villages (as administrative units), establishing and transferring their administrative centre, establishing and changing boundaries of districts, communes and villages (as administrative units) at the local councils proposal;

c) Formation and abolition of localities which are not considered as a territorial administrative unit and changing their subordination at the local councils proposal;

d) Transferring communes and villages from a district or municipality in another district or municipality, at the proposal of village councils and as well as district and municipal councils;

e) Formation and abolition of municipality sectors, at the municipal council proposal.¹⁶

The public consultation is a mandatory condition for solving by the Parliament of all above-mentioned cases. The representative of central and local authorities can address to the Parliament proposals related to the local territorial delimitation only after they have been informed and consulted citizens about the proposed changes. These legal regulations on mandatory consultation of the population are in accordance with the European Charter of Local Self-Government, which in Article 5 provides that any changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute.

¹⁶ Published in: „Monitorul Oficial al R. Moldova”, nr.20-21 din 04.04.1996.

In this respect, the duties of the Gagauz Popular Assembly in administrative delimitation of the territory should be within the legal system of Republic of Moldova and should not exceed the competences of the similar authorities of IInd level. The competence of the Gagauz Popular Assembly should be limited to consulting citizens on issues of territorial organization and based on these consultations to present to the parliament a demarche (request) on the problems solving. The reasoning of Moldovan legislature is inexplicable and unfounded because a local territorial collectivity, created by political reasons and ethnic criterion acquired more extensive competencies than other similar local territorial collectivities.

The territorial fragmentation.

The Gagauzia creation resulted in the territorial fragmentation of the limitrophe territorial-administrative units. The localities which after referendum on March 5, 1995 “decided” to join to Gagauzia are not compact positioned, the Cahul and Taraclia districts being divided into several territorial areas. This “insular” component of these two districts and of the Gagauzia created big problems to authorities, as well as many inconveniences to locals. For example, the Alexandru Ioan Cuza locality is completely isolated from the rest of the Cahul district localities, a fact that complicates the life of citizens limiting their access to social services (health, education, etc) and makes it impossible to include the locality in the district infrastructure development projects.

The unequal position of the local elected officials.

Unlike the local councillors working in Local and District Councils, the deputies of Gagauzia Popular Assembly are salaried and they can't exercise any other salaried employment in other local authorities, public institutions and entrepreneurial structures. It is obvious that due to this discrimination, the deputies of Gagauzia Popular Assembly being salaried, have a much higher efficiency in solving local problems compared to district councillors that work unpaid and without being freed from their functions or activities.

The marginalization of the majority nation representatives.

The ethnic autonomy has resulted on Moldovans discrimination and marginalization in the Gagauzia districts components. Gagauzia

represents an ethnic enclave, in which symbols, cultural heritage, history and Romanian language are not respected and the fundamental rights of Moldovans are violated. It is unacceptable the duplicitous interethnic cohabitation model promoted by the Gagauz leaders: one according to which the Gagauz citizens can benefit from all rights and freedoms of a Moldovan citizen anywhere in Republic of Moldova and another in which the Moldovan citizens to be discriminated by the refractory behaviours at the presence of history, national culture and of the Romanian language in public space. Based on the fact that Moldovans in Gagauzia live in localities that are numerically inferior which leads to weakening the feeling of national affiliation, we consider that they need a legal, institutional and logistics framework to ensure their preservation and affirmation of their national identity.

The violation of linguistic legislation.

According to the legal provisions the official languages of Gagauzia are “the Moldovan language” as well as the Gagauz and Russian languages.¹⁷ At the 2004 Moldovan Census, 92, 3% of the Gagauz ethnic population declared the Gagauz language as their mother tongue and 5,8% - the Russian language. Only 1,9% of Gagauz declared that they usually speak “Moldovan language”, but every fourth Gagauz usually speaks Russian.¹⁸

According to the above mentioned data it's easily noticeable that both Moldovan and Gagauz language is not applicable in public space. If Gagauzia was created in order to save the people in sense of preserving the traditions and culture, then why the Gagauz language is not use in public space and educational institutions? Study programmes offered by State University of Comrat, financed from Republic of Moldova budget, are in Russian language. What reason would be perform in order to prepare specialists who don't know the official State language? Which are their employment prospects? But if these graduates don't intend to work in Republic of Moldova, why should the state finance the training of skilled labor force for other states?

The most effective form of development of ethnic identity is a cultural autonomy. The cultural autonomy is not specially offered to someone.

¹⁷ The Local Law „Regarding Languages functioning on the Gagauzian territory” (Găgăuz Eri) adopted On October 31, 1995

¹⁸ www.statistica.md/recensamint/Caracteristici_demografice_ro.doc

There are created necessary conditions for a cultural autonomy that those who make the national minorities to have the opportunity to exist and develop equally with all society members, no matter the ethnic or religious identity¹⁹. In order to conceive and elaborate the strategies of identical development of the Gagauz it must be taken into account that according to the 2004 Moldovan Census, 147.500 Gagauzians lived in the Republic of Moldova²⁰ from which 127.837 people lived in Gagauzia, 6.446 people - in Chisinau, 3.665 people - in Cahul, 3.587 people - in Taraclia and 2.220 people in Basarabeasca. Their number in other districts is in hundreds or even tens (Nisporeni - 17, Telenesti - 16, Soldanesti - 9). The Gagauz total population in 2004 was 155.646 inhabitants, of which 127.835 people (82, 1%) were Gagauzians, 7.481 people (4,8%) - Moldovans, 5.941 people (3,8%) - Russians, 4.919 people (3,2%) - Ukrainians and 8.013 people (5,1%) - Bulgarians.²¹ The Gagauz population density constituted 86 inhabitants /1km² in 2005, with 32, 6 less than the value of the country - 118, 6 inhabitants /1km². The Gagauz population density constituted 87,5 inhabitants /1km² in 2012, with 29, 7 less than the value of the country - 117,2 inhabitants /1km²². From the above-mentioned numbers we conclude that it's unacceptable to require the deepening of territorial autonomy based on ethnic criteria making abstractions from citizens options of other ethnicity, which represents 17,9% of Gagauzia total population.

Promotion of separatism.

The local self-government consists of the decision-making powers distribution among central government, on the one hand, and local administration on the other hand, which has a certain independence from the central authorities. The relative independence of local public administration authorities supposes their administrative and financial autonomy. The local self-government is established by legislative means,

¹⁹ S. Galiman, *Autonomia culturală - mecanism de dezvoltare a identității etnice*, în „Revista Națională de Drept”, 2009, nr.8, p. 25.

²⁰ The 1989-2004 period was characterized by the 5958 persons decrease in the Gagauzian population. See: N. Daradur, *Perepis nacelenia 2004 g. v. Respublike Moldova kak istochnik issledovania vozrastno-polovoi struktury nacelenia Gagauzii: itogi i demograficeskie perspektivy*, în „Zakon i zizni”, 2008, nr. 3, p. 33.

²¹ <http://www.statistica.md/pageview.php?l=ro&idc=295&id=2234>

²² http://www.statistica.md/public/files/Aplicatii/Harta_populatia/ro/population.htm

so it is an expression of legislative power will. In contemporary states the local self-government is achieved with condition to respect the unitary character of the state. The local self-government should not be confused with total independence of local government compared to central authorities. It is conceived as a way for local collectivities to act freely, within the law, in all matters of local interest. At the same time, the local collectivities, comprised in the territorial-administrative subdivision of the state realizing their self administration right, contribute to the general interest of the state. The state is directly interested in maintaining balance and cooperation of public authorities at different levels in solving issues both locally as well as those of national interest. The establishment of a local government functional system is an absolutely necessary step in the work of building the rule of law. The efficient activity of local self-governments contributes to a harmonious combination of the general interests with local ones. In this context, we mention that the local self-government is a general principle of democratic administrative policy, whose application can't be governed by ethnic criteria or otherwise. The local self-government serves to all citizens; it provides far more resources and increases the local administration initiative to improve the living standards. The use of local self-government principle as an occasion for encourage autonomy on ethnic criteria is a premise for separatism, as confirmed by the subsequent evolution of Gagauzia. The separatist tendencies are always at the agenda in Gagauzia, abundantly influenced from the outside. Thus, in a letter to the President of Parliament Mihai Ghimpu on February, 2010, Mihai Formuzal, the Gagauz Bashkan, proposed that the adaptation of a new Constitution could solve the country union issues. The Formuzal considered that: "For this reason it should be adopted a new Supreme Law by referendum, providing a new country structure – a federal state with three subjects: Moldova, Gagauzia and Transnistria",²³ who mentioned that it must be determined the federation subjects rights and obligations, and should strengthen constitutionally the Russian language statute as an official language.

A special Committee, established on January in Gagauzia, presented 70 additions and changes to Moldovan Constitution. Mainly, the Committee opted for the direct election of President and for the formation of the Fifth Parliament of 101 deputies to be elected by uninominal constituencies on

²³ <http://www.azi.md/ro/story/9118>

Gagauz territory. Gagauzia also insists on the introduction in Constitution of a provision which claims that if the Republic of Moldova status will be changed as independent state, the autonomy people preserve the right to external self-determination. On April 19, 2010, Veaceslav Untila, the president of “European Action” Movement affirmed: “The management of ATU Gagauzia, headed by Mihail Formuzal, intends to attract into autonomy four localities from Taraclia and to have access to border with Ukraine. It is a first step for ATU Gagauzia to ask for independence, which represents a danger for Republic of Moldova integrity”²⁴. In the report of prosecutor of Taraclia district, V. Stoinov, filed on behalf of the general prosecutor V. Zubco and in the letter addressed to the Alliance for European Integration leaders by the raion president V. Plagov it is affirmed that initiative groups are formed at the Gagauz authorities order which opt for the withdrawal of Tvardita, Valea-Perjei, Cairaclia and Corten from the Taraclia district and joining to Gagauz autonomy²⁵.

There were elaborated various strategies and projects by some Gagauz leaders for creating territorial entities such as the creation of Budjak Republic based on Gagauzians and Bulgarians reunion residing in South Bessarabia (current districts from South of Republic of Moldova and Ukraine)²⁶.

The Governor of Gagauz autonomy, Mihail Formuzal, on October 1, 2013, has requested to the People’s Assembly of Comrat to convene a consultative referendum to find out the locals opinion about Republic of Moldova’s external orientation. He proposed that the Gagauzian locals to be answered if they want joining the European Union, Eurasian Custom Union or none²⁷. This is done while the establishment of foreign policy orientations is within the competence of central authorities of Republic of Moldova.

On June 25, 2013, the Gagauz Popular Assembly received a request from the locals of autonomy, signed by more than five thousand inhabitants, in which they claim that Moldovan state “fails to fullfil commitments regarding the Gagauz autonomy”. If until December

²⁴ <http://www.jurnal.md/ro/news/untila-uta-gagauzia-vrea-sa-atraga-patru-localitati-din-taraclia-184862/>

²⁵ <http://unimedia.md/?mod=news&id=18382>

²⁶ I. Burgudji, (Budjascaia Respublica: vosstanovlenie istoriceskoi cpavedlivosti) <http://pda.regnum.ru/news/1000976.html>

²⁷ <http://www.europalibera.org/archive/news/20131001/445/445.html?id=25123676>

2015, the central government will not meet its commitments by referendum will be decided the withdrawal of Gagauz region from Moldova and return it to “the independent Gagauz Republic” as was announced on August 19, 1990²⁸.

On September 29, 2013 a meeting was held at Comrat in support of the joining the Customs Union by Moldova.²⁹ On November 2013, the Gagauz Popular Assembly decided to organize a referendum on February 2, 2014 regarding people's attitudes towards the vector of Moldovan external policy and on December 17, 2013 it adopted several decisions following created conditions for referendum, including “the Election Code of ATU Gagauzia” in first reading³⁰.

The separatist approaches of Gagauz leaders are supported by the Russian Federation. The Russian ambassador to Moldova, Farit Muhametşin in his congratulatory speech on winter holidays promised to locals of ATU Gagauzia and Taraclia rayon that Moscow will pay special attention to them³¹. This is while in the Criminal code of the Russian Federation is added Article 280.1 at the initiative of the Russian Communist Party, supported by V. Putin, adopted on December 20, 2013 which prescribes punishment for appeals to separatism a penalty at the rate to three hundred thousand rubles or at a rate of a salary or other income condemned for the period till two years, or obligatory works for a period of up to three hundred hours, or imprisonment for a period of up to three years. For appeals to separatism by mass-media, including the Internet, will be punished by obligatory works for a period of up to four hundred eighty hours or imprisonment for a period of up to five years³².

The series of these separatist events influenced by pro-Russian imperial forces is endless one. Enhancing separatist approaches of the Gagauz leaders can not remain without negative consequences on the most important sectors of public life and will affect at medium and long term the relationships between Moldovans and the Gagauz, with

²⁸ <http://gagauzinfo.md/index.php?newsid=8330>

²⁹ <http://www.regnum.ru/news/fd-abroad/moldova/1713899.html>

³⁰ <http://epresa.md/stirile-zilei/gagauzia-se-pregateste-de-referendum-iata-intrebarile-la-care-va-trebui-sa-raspunda-poporul>

³¹ http://www.publika.md/moscova-promite-atentie-speciala-cetatenilor-moldovei-din-gagauzia--in-2014_1755711.html

³² http://www.gazeta.ru/politics/2013/12/20_a_5813409.shtml

many negative consequences that can be rapidly amplified and multiplied, being especially influenced from outside.

From the geopolitical perspective, the trend of enclavisation and institutionalization of the territorial autonomy on ethnic criteria is not beneficial for the Gagauz and is unacceptable for Moldovans. The historical realities from the southern region of Moldova showed that the Gagauz could not assert themselves against the Moldavians but only with them.

Stopping separatist tendencies and the ethnic exclusivism promotion can lead to more efficient value of human and material resources in the region. It is necessary to give up offering based on ambiguous and unfounded principles, the different “autonomies with special character” because it is the surest path to separatism.

The European option of Moldova requires the shift of emphasis to the local initiative and strengthening the regional centers, being necessary a rethinking of the existing administrative-territorial structure. It is clear that current territorial fragmentation does not contribute to the local economic development and it does not favor to the formation of the cooperative relationships between central authorities and local ones. Therefore, the need of territorial administrative delimitation reform is obvious. Moldova should avoid the award of special autonomies based on the ethnic principles or under the pro imperial pressure. The reform should be carried out in the spirit of the principles of the European Charter of Local Self-Government.

The best choice for solving “Transnistrian issue” and that of Gagauz is the regionalization of the country. Creation of some regions (rayons, counties) with a strong human, financial and material potential would be a viable solution to solve existing problems.